



House of Representatives

General Assembly

File No. 369

February Session, 2018

House Bill No. 5418

House of Representatives, April 10, 2018

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT RESTORING ELECTORAL PRIVILEGES TO FELONY CONVICTS WHO ARE ON PAROLE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-46a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2018*):

3 (a) A person who has been convicted of a felony and committed to
4 confinement in a federal or other state correctional institution or
5 facility or community residence shall have such person's electoral
6 privileges restored upon the payment of all fines in conjunction with
7 the conviction and once such person has been [discharged] released
8 from confinement, [and, if applicable, parole.]

9 (b) Upon the release from confinement in a correctional institution
10 or facility or a community residence of a person who has been
11 convicted of a felony and committed to the custody of the
12 Commissioner of Correction, [and, if applicable, the discharge of such

13 person from parole,] (1) the person shall have the right to become an
14 elector, (2) the Commissioner of Correction shall give the person a
15 document certifying that the person has been released from such
16 confinement, [and, if applicable, has been discharged from parole,] (3)
17 if the person was an elector at the time of such felony conviction and,
18 after such release, [and any such discharge,] is residing in the same
19 municipality in which the person resided at the time of such felony
20 conviction, the person's electoral privileges shall be restored, and (4) if
21 the person was an elector at the time of such felony conviction and,
22 after such release, [and any such discharge,] is residing in a different
23 municipality or if the person was not an elector at the time of such
24 felony conviction, the person's electoral privileges shall be restored or
25 granted upon submitting to an admitting official satisfactory proof of
26 the person's qualifications to be admitted as an elector. The provisions
27 of subdivisions (1) to (4), inclusive, of this subsection shall not apply to
28 any person convicted of a felony for a violation of any provision of this
29 title until such person has been discharged from any parole or
30 probation for such felony.

31 (c) The registrars of voters of the municipality in which a person is
32 admitted as an elector pursuant to subsection (a) or (b) of this section,
33 within thirty days after the date on which such person is admitted,
34 shall notify the registrars of voters of the municipality wherein such
35 person resided at the time of such person's conviction that such
36 person's electoral rights have been so restored.

37 (d) The Commissioner of Correction shall establish procedures to
38 inform those persons who have been convicted of a felony and
39 committed to the custody of said commissioner for confinement in a
40 correctional institution or facility or a community residence, and are
41 eligible to have their electoral privileges restored or granted pursuant
42 to subsection (b) of this section, of the right and procedures to have
43 such privileges restored. The Office of Adult Probation shall, within
44 available appropriations, inform such persons who are on probation
45 on January 1, 2002, of their right to become electors and procedures to
46 have their electoral privileges restored, which shall be in accordance

47 with subsections (b) and (c) of this section.

48 (e) The Commissioner of Correction shall, on or before the fifteenth
49 day of each month, transmit to the Secretary of the State a list of all
50 persons convicted of a felony and committed to the custody of said
51 commissioner who, during the preceding calendar month, have been
52 released from confinement in a correctional institution or facility or a
53 community residence. [and, if applicable, discharged from parole.]
54 Such lists shall include the names, birth dates and addresses of such
55 persons, with the dates of their convictions and the crimes of which
56 such persons have been convicted. The Secretary of the State shall
57 transmit such lists to the registrars of the municipalities in which such
58 convicted persons resided at the time of their convictions and to the
59 registrars of any municipalities where the secretary believes such
60 persons may be electors.

61 Sec. 2. Section 9-453e of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective July 1, 2018*):

63 Each circulator of a nominating petition page shall be a United
64 States citizen, at least eighteen years of age and a resident of a town in
65 this state. [and shall not be on parole for conviction of a felony.] Any
66 individual proposed as a candidate in any nominating petition may
67 serve as circulator of the pages of such nominating petition.

68 Sec. 3. Section 9-453j of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective July 1, 2018*):

70 Each page of a nominating petition submitted to the town clerk or
71 the Secretary of the State and filed with the Secretary of the State under
72 the provisions of sections 9-453a to 9-453s, inclusive, or section 9-216
73 shall contain a statement as to the residency in this state and eligibility
74 of the circulator and authenticity of the signatures thereon, signed
75 under penalties of false statement, by the person who circulated the
76 same. Such statement shall set forth (1) such circulator's residence
77 address, including the town in this state in which such circulator is a
78 resident, (2) the circulator's date of birth and that the circulator is at

79 least eighteen years of age, (3) that the circulator is a United States
80 citizen, [and not on parole for conviction of a felony,] and (4) that each
81 person whose name appears on such page signed the same in person
82 in the presence of such circulator and that either the circulator knows
83 each such signer or that the signer satisfactorily identified himself to
84 the circulator. Any false statement committed with respect to such
85 statement shall be deemed to have been committed in the town in
86 which the petition was circulated.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	9-46a
Sec. 2	<i>July 1, 2018</i>	9-453e
Sec. 3	<i>July 1, 2018</i>	9-453j

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill restores electoral privileges to convicted felons on parole, with the exception of anyone with election-related felonies. Current law only permits convicted felons to become eligible to be an elector once they have been discharged from confinement and parole. No fiscal impact is anticipated as the bill extends the restoration of electoral privileges to parolees.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5418*****AN ACT RESTORING ELECTORAL PRIVILEGES TO FELONY CONVICTS WHO ARE ON PAROLE.*****SUMMARY**

This bill restores the voting rights of convicted felons on parole, except those convicted of an election-related felony. Under current law, convicted felons may not become electors until discharged from confinement and parole.

Current law requires the corrections commissioner to (1) upon release, give the person a document certifying his or her release from confinement and discharge from parole, if applicable, and (2) on a monthly basis, transmit to the Secretary of the State a list of all felony convicts released from confinement and discharged from parole, if applicable. The bill instead requires the commissioner to (1) provide the certification document upon a person's release from confinement and (2) include all felony convicts released from confinement on the list, regardless of whether or not they are on parole.

Current law requires electoral privileges to be automatically restored if, at the time of such felony conviction, the person was (1) an elector and (2) residing in the same municipality as he or she is upon release from confinement and discharge from parole. If he or she was not an elector at the time of conviction, or was an elector, but was living in a different municipality, then by law the person must register to vote in order for electoral privileges to be granted or restored. Under the bill, these requirements additionally apply to parolees.

The bill also permits convicted felons on parole to circulate nominating petitions.

EFFECTIVE DATE: July 1, 2018

BACKGROUND

Parole

Parole is a period of conditional supervised release following incarceration. The Board of Pardons and Paroles has independent decision-making authority to (1) grant or deny parole, (2) set conditions of parole, and (3) rescind or revoke parole (CGS § 54-124a).

Inmates sentenced to more than two years in prison can be considered for parole. Inmates convicted of non-violent crimes are generally eligible for parole after serving 50% of their sentence. Inmates who committed violent crimes are eligible after serving 85% of their sentence. Those convicted of certain crimes, like murder, are not eligible for parole (CGS § 54-125a).

In some circumstances, inmates nearing the end of their sentence or scheduled parole release date can be released before that date. The board can also release certain inmates on medical or compassionate parole (due to physical or mental debilitation).

The board can release someone on parole if there is a reasonable probability that the inmate will live and remain at liberty without violating the law and the release is not incompatible with the welfare of society. The parole release panel conducting the parole hearing sets the terms and conditions for the inmate's parole. Department of Correction personnel supervise inmates on parole (CGS § 54-125a). The law requires an incremental sanctions system for parole violators and allows the parolee to be returned to custody.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 9 Nay 8 (03/23/2018)